



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 9, 1999

DIRK KEMPTHORNE  
GOVERNOR

Certified mail

KARL J. DREHER  
DIRECTOR

Re: Drilling permit issuance

Dear Sir or Madam:

The records of the Department of Water Resources indicate that you were issued a drilling permit authorizing construction of a well for domestic purposes. Because a driller's report has not been received, the well may not be constructed at this time. This letter is to advise you of recent court decisions that may affect future consumptive use of water from this well.

On October 1, 1999, the Idaho Supreme Court issued an opinion in the case of *Potlatch Corp. et al. v. United States of America* affirming the 1997 Snake River Basin Adjudication (SRBA) Reserved Rights Order granting the United States reserved water rights for all unappropriated water in the Frank Church-River of No Return (established July 23, 1980) the Selway-Bitterroot (established September 3, 1964), and the Gospel-Hump Wilderness Areas (established February 24, 1978). Based upon this decision, all water in and tributary to the wilderness areas is fully appropriated.

As a result of the Court decision, the Department of Water Resources has established a moratorium on granting of new water appropriation permits to appropriate ground water and on continued development under existing water appropriation permits for consumptive use of water within or tributary to the wilderness areas as shown on the enclosed map. The moratorium does not stop the issuance of drilling permits for wells that will be constructed and used for domestic purposes exempted by Idaho law from the water appropriation permit requirement. However, those proposing to drill a domestic well in the area should be aware of and accept the risk that consumptive use of water may be subject to future curtailment if the United States makes a call for delivery of water under a wilderness water right.

Copies of the court decision and the moratorium order are available on request by contacting any office of the department or on the Internet at <http://www.idwr.state.id.us/>. If you have further questions regarding this matter please contact me at (208) 327-7900.

Sincerely,

Bob Fleenor, Chief  
Resource Protection Bureau

- c: IDWR Regional Offices
- Bob Foster, Salmon
- enc. Map of wilderness moratorium area
- Typical letter from owner